

**Broadband Monitoring Committee
meeting at
Brookline Health Building
11 Pierce Street
Health Department Library**

February 8, 2012

Minutes

Members Attending

**Fran Berger, Chairman
Dr. Alan Pisano**

Member Absent

Michael Selib

Staff Attending

**C. Stephen Bressler, Director, Human Relations-Youth Resources
Commission and Ombudsman, Broadband Monitoring Committee**

Other Persons Present

**Selectman Dick Benka
Officer Justin O’Kane
Phoebe Li, Boston University journalism student
Tom Steel, RCN**

Chairman Berger opened the meeting at 7:00 p.m.

Photo for Annual Report

The group posed for a photograph for the annual report.

Approval of December 12, 2011 Minutes

**ON THE MOTION of Dr. Pisano, seconded by Chairman Berger, the
Committee voted to accept the minutes of the December 12, 2011
meeting.**

Comcast Rate Changes

**Chairman Berger read the contents of a January 23, 2012 email from David,
Green, Comcast Senior Manager of Government and Community Relations:**

“Dear Steve,

**“Unfortunately, I will not be able to attend the Broadband Monitoring
Committee Meeting on February 8th. However, I respectfully request that
you read the following message into the record at the meeting.**

“Dear Members of the Brookline Cable Monitoring Committee:

**Broadband Monitoring Committee
Minutes of February 9, 2012 Meeting
Page Two**

“As you know, the FCC has ruled that "Effective Competition" exists in the Town of Brookline. As such, cable TV rates are no longer regulated. The cable TV rate regulatory authority in Massachusetts, the Department of Telecommunications and Cable (DTC), has acknowledged the FCC's ruling on Effective Competition in Brookline.

“However, as a matter of good faith and courtesy, Comcast is willing to reply to specific, written questions regarding rates in Brookline from your committee or the Board of Selectmen to the extent that the information that you request is not proprietary and confidential.

“If you can send me any questions today or by tomorrow, I will do my best to provide replies by your meeting on February 8. All Comcast replies can be included in the public record.

“Best regards,

“David”

Chairman Berger explained that she and Mr. Bressler had approached Mr. Green following Mayor Menino’s attempt to allow Boston to regulate basic cable television rates, since if Mayor Menino were to be successful, then Brookline would follow suit. This is essentially a re-play of a similar attempt by Mayor Menino the last time Comcast increased its rates. The FCC has consistently refused to allow Boston to regulate basic rates ever since it noted that effective competition existed in the city with the presence of RCN. It has also been deemed by the FCC that effective competition exists in Brookline. Effective competition exists when the number of households subscribing to multi-channel video programming other than with the largest Multi-Channel Video Provider Distributor exceeds 15% of the households in the franchise area. Mr. Steel commented that Comcast went into every city or town where RCN offers service and filed a petition with the FCC indicating that effective competition was present in those communities. Mr. Steel also noted that as soon as another company offering telephone service (as RCN does) enters a community, then effective competition is also deemed to exist.

Mr. Steel noted that Mayor Menino has concerns about keeping a life-line service affordable in Boston. RCN’s entry level service costs \$17.50 in Boston and \$19.50 in Brookline. The rate in Boston was kept at \$17.50 because Mayor Menino made it an issue when the RCN license was up for renewal.

**Broadband Monitoring Committee
Minutes of February 9, 2012 Meeting
Page Three**

Chairman Berger read the following from another email sent by David Green on January 23, 2012:

“What is Effective Competition?

“Under FCC regulations at 47 C.F.R. § 76.905 cable systems are subject to effective competition when any of the following conditions are met:

“1. Fewer than 30% of the households in its franchise area subscribe to the cable service of a cable system.

“2. The franchise area is:

“i. served by at least two unaffiliated multi-channel video programming distributors (“MVPDs”) each of which offers comparable programming to at least 50% of the households in the franchise area; and

“ii. the number of households subscribing to multi-channel video programming other than the largest MVPD exceeds 15% of the households in the franchise area.

“3. A MVPD, operated by the franchising authority for that franchise area, offers video programming to at least 50% of the households in the franchise area.

“4. A local exchange carrier or its affiliate (or any MVPD using the facilities of such carrier or its affiliate) offers video programming services directly to subscribers by any means (other than direct-to-home satellite services) in the franchise area of an unaffiliated cable operator which is providing cable service in that franchise area, but only if the video programming services so offered in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.”

Mr. Steel commented that RCN's coming into Boston as a local exchange carrier gave Comcast the right to say that there was effective competition, regardless of the number of households as mentioned in ii. above.

He further explained that RCN had been careful to obtain a license to provide services in places like Brookline. In Boston RCN has an OVS (Open Video System) arrangement.

In response to a question from Dr. Pisano Mr. Steel noted that a franchise fee, cost of a converter box, etc., would be on top of the \$19.50 rate.

**Broadband Monitoring Committee
Minutes of February 9, 2012 Meeting
Page Four**

The FCC is currently considering a rule-making to allow cable companies to encrypt basic service if there is an all digital system. This would combat theft of service. It would also allow the company to respond to customers remotely, without having to send trucks out. There is no significant opposition to this rule-making.

RCN is not in any market where it is the sole provider.

Mr. Bressler distributed copies of articles from the Wall Street Journal on the deal between Comcast and Verizon Wireless, the debate as to whether cable television or FiOS high speed Internet access is faster, Internet anti-piracy legislation, and a Multi-Channel News article on Comcast's 'AnyPlay' equipment, and an information sheet from Comcast on the Internet Essentials program.

In response to a question from Chairman Berger Mr. Bressler said that he has spoken again with Deputy Superintendent of Schools Peter Rowe about the Brookline Schools participating in the Internet Essentials program.

Mr. Steel said that the filing of Form 500 has been delayed by the state DTC.

Commenting on Internet access speeds, Mr. Steel said that because RCN has fewer customers there are fewer persons on their subscriber net, meaning that speeds do not go down as much as some other companies, especially in the evening.

Mr. Bressler commented that he had read that Google is experimenting with a pilot project involving a fiber optic system to the home. Mr. Steel said that he believes that this is in a community in Kansas. This would compete with FiOS.

Responding to a question from Chairman Berger Mr. Steel said that RCN works with developers and where there is construction to get its system in place. They are involved, for instance, in the Boston Innovation District.

Mr. Steel said that FiOS is going into Medford. Mr. Bressler will contact Medford to find out how that city got Verizon to expand FiOS into that community.

**Broadband Monitoring Committee
Minutes of February 9, 2012 Meeting
Page Five**

Mr. Steel also noted that Comcast is going to be providing On Demand space for local access programs as part of the deal to have the FCC approve the Comcast/NBCUniversal takeover. There are six test sites and one of them is Medford. Chairman Berger noted that Brookline Access Television has an On Demand section on its Web site. Internet Essentials was also part of the deal.

Discussion followed on how telephone communication has changed, especially ways to speak long distance, in particular using wireless, VOIP, and Skype.

Mr. Bressler asked whether RCN would be joining up with a wireless provider the way that Comcast is doing with Verizon Wireless? Mr. Steel said that what Comcast and Verizon Wireless are doing is certainly a model. Companies need to keep up with what services customers are seeking.

Discussion followed on how company interaction with cable advisory committees such as ours has changed over the years, becoming far less volatile, less hostile.

Discussion followed on how important Brookline Access Television has become to the town, especially their coverage of town activities, as well as the use of their facility by groups for programs.

Discussion followed on remote usage by tablets and smart phones via the Internet for security, temperature control, etc.

Next Meeting

Monday, March 12, 2012, 7 p.m.

The meeting adjourned at 7:55 p.m.